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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,587	02/11/2004	Graham R.F. Napier	TRDB 1006-1	7273
22470	7590	09/13/2007		
HAYNES BEFFEL & WOLFELD LLP P O BOX 366 HALF MOON BAY, CA 94019			EXAMINER GARG, YOGESH C	
			ART UNIT 3625	PAPER NUMBER
			MAIL DATE 09/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/776,587	Applicant(s) NAPIER ET AL.	
	Examiner Yogesh C. Garg	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/30/2007 has been entered.

Response to Amendment

2. Claims 5 and 21 are amended. Claims 1-28 are pending for examination.

Response to Arguments

3. Applicant's arguments with respect to prior art rejection of claims 1-28 filed on 7/30/2007 (see Remarks, pages 10-15) have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments, see Remarks, filed 7/30/2007, with respect to provisional obviousness-type double patenting rejection of claims 1-2, 8-9, 14, 17 and 24 have been fully considered and are persuasive. The provisional obviousness-type double patenting rejection of claims 1-2, 8-9, 14, 17 and 24 has been withdrawn.

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4. Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other relevant and related passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the other relevant and related passages and figures in the cited references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 4-9, 11-18, 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Tozzoli et al. (US Patent 5,717,989), hereinafter Tozzoli.

Regarding claim 1, Tozzoli discloses a computer-aided method of collaborating on the terms and conditions of shipment and sale, the creation of documents and the tracking of an international shipment of goods and approving payment from a credit facility or demand deposit account, the collaboration including an exporter, an importer

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and an importer's bank (see at least Figs 1, 2A, 2B, 3A, 3B, 3C, 4, 5 and col.17, line 51-col.24, line 52), the method including:

setting authorizations for international shipment participants to enter, view and approve aspects of data that record conditions and instructions for payment from the importer to the exporter, track progress of the international shipment participants toward meeting the conditions for payment (see at least col.4, line 50-col.10, line 6 & and Figs 1-5. Various participants such as buyers/importers, sellers/exporters, shippers, carriers, insurers, banks, funder, agents, etc. in an international trade transaction are authorized to input and receive/view data through a computer system and approve terms and conditions of the purchase/sale and payment. Participants have to use appropriate passwords to log on to the computerized trade system to input, view and approve data, see col.5, lines 21-34. Buyers and sellers are further approved and authorized to enter the system through an application process, see col.5, lines 46-60. The computerized trade system tracks progress, see col.10, lines 1-6), and

allow the importer to electronically approve payment to the exporter by the importer's bank from the credit facility or demand deposit account (see at least col.17, lines 16-25. The computerized trade system allows the seller [exporter in International transactions] to present the data related to Bill of Lading and invoice to the buyer [buyer in international transaction will be importer] to allow the buyer to approve payment and issue instructions to transfer payment from a financial institution [representing buyer's bank].

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receiving agreed conditions and instructions for payment (see at least col.15, line 17-col.16, line 67 [the system receives agreed terms and conditions from the seller and after the shipment the instructions for payment are received] and col. 18, lines 12-15, "producing payment-due data by means selected terms of the contract have been satisfied.....",);

receiving documentation from the exporter or exporter's agent corresponding to fulfillment of the agreed conditions for payment, without need for bank evaluation of the documentation (see at least col.15, lines 22-61);

electronically initiating an approval to pay following evaluation by the importer or the importer's agent that the conditions for payment have been fulfilled, modified or waived, the approval to pay corresponding to the instructions for payment (see at least col.15, lines 59-61 and col.17, lines 17-25); and

receiving a status update confirming payment of the exporter (see at least col.16, lines 58-67).

Regarding claim 2, Tozzoli discloses that the method of claim 1, wherein setting authorizations further includes authorizations for the international shipment participants to view images of documents (see at least col.8, line 37-col.10, line 24. The system creates and stores shipping documents, Bill of Lading, invoices, etc electronically and these electronic are transmitted electronically to the authorized participants such as approved buyers/sellers and carriers for viewing them and taking necessary actions.

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See col.15, lines 59-61, "...If the buyer wishes to examine the status of this order, the buyer may access the shipping document data for review").

Regarding claim 4, Tozzoli discloses that the method of claim 1, further including advising the importer's bank of the agreed conditions and instructions for payment (see at least col.17, lines 16-25).

Regarding claim 5, Tozzoli discloses that the method of claim 1, wherein payment is executed by the bank, corresponding to the approval to pay (see at least col.17, lines 16-25).

Regarding claim 6, Tozzoli discloses that the method of claim 1, further including exposing to view by the international shipment participants status tracking information regarding establishment of the conditions and instructions for payment, the documentation of fulfillment and the approval of fulfillment, or the abatement or waiver of the conditions for payment (see at least col.8, line 37-col.10, line 24. The system creates and stores shipping documents, Bill of Lading, invoices, etc electronically and these electronic are transmitted electronically to the authorized participants such as approved buyers/sellers and carriers for viewing them and taking necessary actions. See col.15, lines 59-61, "...If the buyer wishes to examine the status of this order, the buyer may access the shipping document data for review". Similarly, seller or funder or

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carrier can access and view the electronically created shipping document to track and know the current status)..

Regarding claim 7, Tozzoli suggest that) The method of claim 6, wherein the exposed status information identifies, for particular roles, whether the particular roles are responsible to carry out a next step in the establishment of the conditions and instructions for payment; the documentation of fulfillment; and the approval of fulfillment, or the abatement or waiver of the conditions for payment (see at least col.8, line 37- col.10, line 24. The system creates and stores shipping documents, Bill of Lading, invoices, etc electronically and these electronic are transmitted electronically to the authorized participants such as approved buyers/sellers and carriers for viewing them and taking necessary actions. See col.15, lines 59-61, "...If the buyer wishes to examine the status of this order, the buyer may access the shipping document data for review". Similarly, seller or funder or carrier can access and view the electronically created shipping document to track and know the current status. Therefore from the Tozzoli's disclosed method and system the status of the orders are exposed to authorized participants, that is a seller can access a purchase order and take subsequent steps to fulfill the order, a carrier can view the documents and take steps for organizing shipment, a buyer can view the status and can take actions for giving instructions for payment, etc.).

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Regarding claims 8-9, 11-18 and 20-24, their limitations are closely parallel to the limitations of claims 1-2, 4-7 and therefore they are also analyzed and rejected on the basis of same rationale as set forth above for claims 1-2, 4-7.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7.1. Claims 3, 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Official Notice.

With regards to claim 3, Tozzoli discloses all the limitations of claim 1, as analyzed above. Tozzoli discloses advising a bank/financial institution to transfer payment to an exporter/supplier on the completion of an international trade/sale (see at least col.7, lines 22-25). Tozzoli does not explicitly state sending draft conditions and instructions for payment to the exporter. The examiner takes Official Notice of the use of well-known concept of sending draft conditions and instructions for exercising a payment in an international transaction. One of an ordinary skilled in the art knows that in international trade a 'Draft'/a bill of exchange is used to buy goods or services from abroad. Draft is a signed order by one party (drawer, that is an importer) addressed to another (drawee, that is importer's financial institution/bank) directing the drawee to pay at sight or at a definable time in the future a specified sum of money to the order of a

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third person, the payee [seller/exporter]. For evidence, the applicant may refer to the definition of "Draft" to page 133 of the book, " Banking & Finance Technology"; Fourth edition; American Bankers Association; Washington DC 20036, 1999. In view of the Official Notice, it would be obvious, as analyzed above, to one of an ordinary skilled in the art to send draft conditions and instructions for payment to the exporter, that is directing the drawee to pay at sight or at a definable time in the future a specified sum of money to the order of a third person, the payee [seller/exporter].

Regarding claims 10 and 19, their limitations are closely parallel to the limitations of claim 3 and therefore they are also analyzed and rejected on the basis of same rationale as set forth above for claim 3.

7.2. Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tozzoli and further in view of Arazi et al. (US 20060173693 A1), hereinafter Arazi.

Regarding claim 25, Tozzoli teaches all the limitations of claims 1, as analyzed above including conducting international trade transactions involving shipments from exporters to importers requiring exchange of shipping documents and invoices. Tozzoli does not explicitly state selecting the payment terms as per INCO terms. However, in the same field of endeavor, that is import-export transactions, Arazi teaches (see at least paragraphs 0007, 0406, Figs 51-52) that import-export transactions are governed by 13 INCO terms to define the standard terms of delivery/shipment such as DDP

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(Delivery duty paid), CIF (Cost, insurance and freight included) to avoid any misunderstandings between the importer and exporters while agreeing to prices and payments based upon these standard delivery/shipping terms. In view of Arazi, it would be obvious to one of an ordinary skilled in the art to use INCO terms in Tozzoli's method and system of international transactions because it would remove uncertainties of different interpretations while conducting global selling and purchasing transactions as stated in Arazi.

Regarding claims 26-28, their limitations are analyzed and rejected based on the same rationale as used for claim 25.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Alie et al. (US Patent 7,249,069) discloses the use of a seller receiving Draft/Bill of exchange with terms and instructions for payment from the importer in an international trade transaction (See at least col.2, lines 12-44) and receipt of this 'draft' protects the seller, "*..... The buyer executes a bill of exchange, which is a payment draft, and submits the bill of exchange to the seller along with an order for a traded product. The bill of exchange is made payable to the seller, or the seller's agent. The seller obtains a verification of the creditworthiness of the draft, and upon receiving verification, the seller ships the traded product. The bill of exchange is "event-triggered" and becomes negotiable upon release of the traded product to the control of the buyer.The seller is protected by not having to ship the goods until receipt of,*

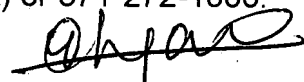
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and credit verification of, a payment draft in the form of a bill of exchange executed by the buyer. In addition, the draft is a full contractual agreement that must be signed by both parties before the transaction is complete, and must later be negotiated to obtain a cash payment."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on Increased Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
9/6/2007